



AGENDA FOR THE SPECIAL COUNCIL MEETING

18 SEPTEMBER 2024



Ordinary Council Meeting Notice Paper

18 September 2024

A Special Meeting of Council is called for Wednesday, 18 September 2024 in the Council Chambers, Victoria Street, Mingenew, commencing at 5.00 pm, in accordance with s.5.4 of the *Local Government Act 1995*.

The purpose of the meeting is to consider:

- RFQ3 – 2024/25 RRG Bitumen Sealing Works

Members of the public are most welcome to attend.

Matt Fanning
Chief Executive Officer
12 September 2024

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Mingenew expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

PROCEDURE FOR PUBLIC QUESTION TIME, DEPUTATIONS, PRESENTATIONS AND PETITIONS AT COUNCIL MEETINGS

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision making processes.

<p>Petitions A formal process where members of the community present a written request to the Council.</p>	<p>Deputations A formal process where members of the community request permission to address Council or Committee on an issue.</p>	<p>Presentations An occasion where awards/gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the local</p>
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PROCEDURE FOR DEPUTATIONS

The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business. Any person or group wishing to be received as a deputation by the Council shall send to the CEO an application:

- I. Setting out the agenda item to which the deputation relates;
- II. Whether the deputation is supporting or opposing the officer's or Committee's recommendation; and
- III. Include sufficient detail to enable a general understanding of the purpose of the deputation.

Notice of deputations need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact the Shire via telephone on 99281192 or email governance@mingenew.wa.gov.au to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:

- I. is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Members;
- II. is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
- III. additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

PROCEDURE FOR PRESENTATION

Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact the Shire via telephone on 99281102 or email governance@mingenew.wa.gov.au to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received / awarded by the Shire President or an appropriate Councillor.

PROCEDURE FOR PETITIONS

Please note the following protocol for submissions of petitions. Petitions must:

- be addressed to the Shire President.

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- be made by electors of the district.
- state the request on each page of the petition.
- contain the names, addresses and signatures of the elector(s) making the request, and the date each elector signed.
- contain a summary of the reasons for the request.
- state the name and address of the person whom arranged the petition for correspondence to be delivered to, as correspondence is not sent to all the signatures on the petition.

Where a petition does not relate to or conform to the above it may be treated as an 'informal' petition and the Chief Executive Officer may at his discretion forward the petition to Council accompanied by an officer report.

PROCEDURE FOR PUBLIC QUESTION TIME

The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision-making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the Local Government Act 1995) sets aside a period of 'Public Question Time' to enable a member of the public to put up to two (2) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Shire President may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the Shire of Mingenew Standing Orders Local Law 2017:

1. Public Questions Time will be limited to fifteen (15) minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
4. Questions will be limited to two (2) per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by 5pm on the day before the meeting and be signed by the author. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

- **During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.**
- **Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.**
- **Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.**

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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS
ON 18 SEPTEMBER 2024 COMMENCING AT 5:00PM.**

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
- 2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE
- 3.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME
- 4.0 DECLARATIONS OF INTEREST

5.0 CHIEF EXECUTIVE OFFICER

5.1 RFQ3 – 2024-25 RRG BITUMEN SEALING WORKS

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: RD.TEN.24.25
Date: 12 September 2024
Author: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To award WALGA eQuote Request for Quotation – RFQ03-2024/25 Yandanooka North East and Coalseam Road Sealing Works.

Key Points

- This RFQ is for the sealing of RRG widening works on the Coalseam and Yandanooka North East Roads
- Four Offers were received
- The RFQ was separated into 3 portions, two for the Yandanooka North East Road and one for the Coalseam Rd.
- Works are planned for completion between November 2024 and March 2025.

OFFICER RECOMMENDATION – ITEM 5.1

Council:

- a. Accepts the submission for WALGA eQuote RFQ03-2024/25 Bitumen Sealing Yandanooka North East and Coalseam Road:
 - Package 1: SLK 0.52 – 3.0km – Yandanooka North East Road
 - Package 2: SLK 3.0 – 5.5km – Yandanooka North East Road
 - Package 3: SLK 23.57 – 24.37km – Coalseam Roadreceived from Bitutek Pty Ltd, as recommended in the confidential Evaluation Report (Attachment 11.1.2) and identified as the most advantageous, for a schedule of rates value of \$437,809.76 exclusive of GST.
- b. Authorises the CEO to execute the contract for awarding RFQ03-2024-25 Bitumen Sealing Yandanooka North East and Coalseam Road in accordance with s.9.49A of the *Local Government Act 1995*.

Confidentiality

An attachment to this report is confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because it deals with –

- (c) “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”
- (e) “Information that has a commercial value to a person”

Attachments

- 5.1.1 WALGA eQuote Documentation
- 5.1.2 Confidential Attachment - Evaluation Report circulated as separate confidential attachment as per s.5.23(2)(e)(ii)(iii)

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Background

Request for Quotation were issued under the WALGA eQuote Preferred Supplier Panel - Roads, Infrastructure & Depot Services (PSP009) - RFQ03-2024/25 Yandanooka North East Rd and Coalseam Rd – Bitumen Sealing.

The works were divided into three work packages – Packages 1 to 3:

- Package 1: SLK 0.52 – 3.0km – Yandanooka North East Road
- Package 2: SLK 3.0 – 5.5km – Yandanooka North East Road
- Package 3: SLK 23.57 – 24.37km – Coalseam Road

The RFQ was issued 19 August 2024 and closed 2 September 2024.

Offers to Quote were issued to:

Supplier Name	Contact Details (name, phone, email, address etc)
Colas Western Australia Pty Ltd	Roads, Infrastructure & Depot Services (PSP009) via Vendor Panel
Bitutek Pty Ltd	Roads, Infrastructure & Depot Services (PSP009) via Vendor Panel
Boral Resources (W.A.) Ltd	Roads, Infrastructure & Depot Services (PSP009) via Vendor Panel
Downer Infrastructure	Roads, Infrastructure & Depot Services (PSP009) via Vendor Panel
Fulton Hogan Industries Pty Ltd	Roads, Infrastructure & Depot Services (PSP009) via Vendor Panel

Of these, four submissions were received.

Comment

The Qualitative Criteria was approved prior to the advertisement of the RFQ. Each Criterion was given the following weightings and included within the RFT document.

Criteria	Weighting
(a) Skills and experience of key field personnel	10%
(b) Technical support experience including seal design	10%
(c) Demonstrated capability and capacity including quality	10%
(d) Workplace OSH practices and procedures	10%
(e) Price	60%

The submissions were assessed against the Qualitative Criteria and each Criterion was given a score in accordance with the Evaluation Guide contained within the Evaluation Spreadsheets.

A rating scale of zero-to-ten (0 - 5) was used for evaluating the Tender submissions in accordance with the Qualitative Criteria, with 0 being lowest and 5 being highest.

The evaluation report, including the overall evaluation scores and rankings, is attached.

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The evaluation of the submissions received against the quantitative and qualitative criteria resulted in the rankings (in order of priority) as shown below –

Ranking	Offeror
1	Bitutek PL
3	Boral Resources Ltd
4	Colas Western Australia PL
2	Fulton Hogan PL

Consultation

Works Manager

Statutory Environment

The *Local Government Act 1995* at S3.57(1) (tenders for providing goods or services) requires that in certain circumstances, a local government is to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

The Local Government (Functions and General) Regulations 1996 at Regulation 11A (2) states that:

- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
- (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (aa) the supply of the goods or services is associated with a state of emergency or a COVID-19 declaration; or
 - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or

Under Council Delegations Register item 1.2.17 c. Where the total consideration of a Tender Exempt procurement contract exceeds the \$250,000 delegated above, the decision is to be referred to Council.

Policy Implications

In obtaining WALGA eQuotes, the Shire's Purchasing Policy (1.3.1) requirements have been met. Our Regional Price Preference Policy was also applied in the attached tender assessment document.

Financial Implications

The estimate project expenditure to deliver the three packages is

- Package 1: SLK 0.52 – 3.0km – Yandanooka North East Road - \$450,000 comprising \$300,000 RRG funding and \$150,000 Council Funding
- Package 2: SLK 3.0 – 5.5km – Yandanooka North East Road- \$450,000 comprising \$300,000 RRG funding and \$150,000 Council Funding
- Package 3: SLK 23.57 – 24.37km – Coalseam Road- \$450,000 comprising \$300,000 RRG funding and \$150,000 Council Funding

Of this the sealing component of the works is \$437,809.76 exclusive of GST.

Strategic Implications

Strategic Community Plan 2023-2033

1. Safe, efficient, and connected transport network

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6.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday, 16 October 2024 commencing at 5.00pm.

7.0 CLOSURE

The meeting was closed at ____ 14:45pm.

These minutes were confirmed at an Ordinary Council meeting on 16 October 2024

Signed _____
Presiding Officer

Date: _____